

REMARKS

Claim 24 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicant has amended the claim in accordance with the examiner's comments.

Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 19-21, 23, 27-29 and 38 stand rejected under 35 U.S.C. §102(b) as being anticipated by McDonald. It is the examiner's position that the valve portion 23 of McDonald would be maintained in a closed position by the gases generated in the gas generator 5. Applicant submits the examiner has incorrectly interpreted the reference.

Applicant notes that the valve portion 23 is controlled by the operation of a dual-action hydraulic piston 18. The valve portion 23 can be placed in a fully closed position, a partially open position in which passages 17 are opened, and a fully open position in which passages 17 and orifice 15 are both open. The gas generator 5 is utilized to re-ignite the motor 7 and/or to provide additional thrust to the motor 7. As such, there appears to be no operational condition in which the gases of the gas generator 5 would be used to keep the valve portion 23 closed. Instead, there appears to be only two states in which the valve portion 23 would be closed: 1) a state in which the motor 7 is activated and one would want to prevent gases from the motor 7 from entering the gas generator 5; and 2) when both the gas generator 5 and the motor 7 are inactive. In fact, if the valve portion 23 were not opened upon activation of the gas generator 5, the result would be an explosion as there is no other means of relieving the gas pressure within the gas generator 5.

Even if there were some condition, for argument's sake, in which the gas pressure was applied to the valve portion 23 of McDonald while it was maintained in a closed position, for example, until the gas within the gas generator 5 reached a desired pressure, the gas pressure would not necessarily be sufficient to hold the valve portion 23 in the closed position. Further, the gas pressure is clearly not intended to be the primary force in holding the valve portion 23 closed. In any case, there is absolutely no disclosure in the reference itself that the gas is used to maintain the valve portion 23 in the closed position.

In contrast, the claimed apparatus uses the steam pressure within the vessel as the primary force in holding the valve disk 67 in the closed position.

Applicant believes the claim as originally couched clearly defines over the cited reference. To further clarify the invention, applicant has amended the claims to make it clear that the primary holding force for the claimed closure member is the application of the pressurized steam. There is simply no disclosure of the use of the gas pressure to maintain the

vale portion 23 in the closed position in McDonald as implied by the examiner. Accordingly, the reference cannot form the basis for anticipating the claims under 35 U.S.C. §102.

Claims 22, 24, 25 and 26 stand rejected under 35 U.S.C. § 103 as being unpatentable over McDonald in view of various secondary references. Applicant submits that, because the secondary references would not have alleviated McDonald's shortcomings noted above, these claims are also allowable for the same reasons set forth above with respect to the independent claims.

In view of the above, all of the claims in this case are believed to be in condition for allowance, notice of which is respectfully urged.

Respectfully submitted,

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DATE

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